

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 1, 3, 6, 7, 9, 11, 14, 15, and 16 have been amended, and claims 10, 12, 13 and 17 have been cancelled without prejudice or disclaimer. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1, 3 and 6-9, 11, 14-16, and 18-21 are pending and under consideration. Reconsideration is respectfully requested.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response and Request for Reconsideration because:

(a) it is believed that the amendment of claims 1, 3, 6, 7, 9, 11, 14, 15, and 16 put this application into condition for allowance;

(b) the amendments were not earlier presented because the Applicants believed in good faith that the cited prior art did not disclose the present invention as previously claimed;

(c) the amendments of claims 1, 3, 6, 7, 9, 11, 14, 15, and 16 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and/or

(d) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. §102

In the Office Action, although at pages 3, numbered paragraph 10, claims 13, 4, 6-17 were rejected under 35 U.S.C. §102(a) as being anticipated by Smith et al. (USPN 6,487,540), since the Examiner recites in the Office Action Summary that claims 1, 3, and 6-21 are rejected, and since the Examiner itemizes his grounds for rejection for claims 1, 3, and 6-21 on pages 4-8, it is assumed that the Examiner is rejecting claims 1, 3 and 6-21 under 35 U.S.C. §102(a) as being anticipated by Smith et al. (USPN 6,487,540; hereafter, Smith) This rejection is traversed and reconsideration is requested.

Claims 1, 3, 7, 9, 11, 14, 15, and 16 have been amended for clarity.

It is respectfully submitted that Smith discloses a wireless system in which a vendor device 20 sends an electronic receipt to a wireless terminal 2 of a user, and the wireless terminal 2 sends received an electronic receipt to a computer device 30 for classification and for collecting (see sol. 3, lines 45-55). Smith discloses that the vendor device 20 may be used as a cash register, automatic vending machine, or a bar code reader (see col. 5, lines 45-50).

Amended claim 1 relates to the first embodiment of Figs. 2-4 and includes the subject matter in original claims 2, 4 and 5, wherein said sending of the goods purchase information comprises sending said goods purchase information to said mobile terminal from said register terminal in response to a prompt from a settlement key of said goods settlement information in said register terminal (see page 12, lines 24-27). Claim 6 relates to the first embodiment of Figs. 2-4 and includes the subject matter in original claims 2, 4 and 6, wherein said sending of the goods purchase information comprises sending said goods settlement information to said mobile terminal in response to a prompt from a receipt issue key of said goods settlement information in said settlement device (see page 13, lines 1-6). Amended claim 7 relates to the first embodiment of Figs. 2-4 and includes the subject matter of original claims 2, 4 and 7, wherein said sending of the goods purchase information comprises sending said goods settlement information to said mobile terminal in response to a prompt from a received instruction key of said mobile terminal.

Amended claim 3 relates to the second embodiment of Figs. 5-6 and includes the subject matter of original claims 2 and 3, wherein said sending of the goods purchase information comprises requesting said goods purchase information from said reader to said register terminal, receiving said goods purchase information from said register terminal to said reader, and sending said received goods purchase information to said mobile terminal from said reader (see pages 14-15). Claim 18, which depends from claim 3, is related to the description of (S30)-

(S32).

Claim 8 relates to the third embodiment of Fig. 7 and includes the subject matter in original claim 1, wherein said settlement comprises sending a settlement request to said mobile terminal from said settlement device, and receiving payment information from said mobile terminal and processing said settlement in response to said settlement request (see (S41)-(S42) of page 16). Claims 19-20 depend on claim 8 and are related to the description of (S43) on page 16.

Hence, it is respectfully submitted that WAP in Smith clearly shows only a wireless protocol, but does not show the transmission trigger means, that is, a settlement key/receive instruction key/receipt issue key/ receive instruction key, for a settlement request, as is disclosed in the claims of the present claimed invention:

That is, the “sending of the goods purchase information” comprises:

“sending said goods purchase information to said mobile terminal from said register terminal in response to a prompt from a **settlement key** of said goods settlement information in said register terminal” (claim 1 of the present invention);

“**requesting said goods purchase information** from said reader to said register terminal, receiving said goods purchase information from said register terminal to said reader, and sending said received goods purchase information to said mobile terminal from said reader” (claim 3 of the present invention);

“sending said goods settlement information to said mobile terminal in response to a prompt from a **receive instruction key** of said mobile terminal” (claim 6 of the present invention);

“sending said goods settlement information to said mobile terminal in response to a prompt from a **receive instruction key** of said mobile terminal” (claim 7 of the present invention);

“sending a settlement request to said mobile terminal from said settlement device, and receiving payment information from said mobile terminal and processing said settlement in response to said **settlement request**” (claim 8 of the present invention);

“sending said goods purchase information to said mobile terminal from said register terminal in response to a prompt from a **settlement key** of said goods settlement information in said register terminal” (claim 9 of the present invention);

“**requesting said goods purchase information** from said reader to said register terminal, receiving said goods purchase information from said register terminal to said reader, and sending said received goods purchase information to said mobile terminal from said reader”

(claim 11 of the present invention);

“sending said goods settlement information to said mobile terminal in response to a prompt from a **receipt issue key** of said goods settlement information in said settlement device” (claim 14 of the present invention);

“sending said goods settlement information to said mobile terminal in response to a prompt from a **receive instruction key** of said mobile terminal” (claim 15 of the present invention);

“sending goods purchase information, including said goods settlement information, to a mobile terminal of said user, and storing the goods purchase information in said mobile terminal to communicate with a processing device of said user, wherein said settlement comprises sending a **settlement request** to said mobile terminal from said settlement device, and receiving payment information from said mobile terminal and processing said settlement in response to said settlement request” (claim 16 of the present invention); and

“sending a **settlement request** to a mobile terminal of said user from said settlement device” (claim 21 of the present invention). (emphasis added in each quotation)

It is respectfully submitted that anticipation requires that each and every limitation of a patent claim be disclosed in a single prior art reference. *General Electric Co. v. Nintendo Co.*, 179 F. 3d 1350 (Fed. Cir., 1999). Smith discloses using a wireless purchaser-owned device configured to send and receive short range communications with the wireless vendor device, to send a long range authorization request to the authorization processor and to receive the authorization information from the authorization processor, wherein the purchaser-owned device is further configured to store the authorization information received from the authorization processor and to transmit the authorization information to the vendor device to effect the purchase of a product or service. Thus, the Smith wireless vendor device is inoperative to process the settlement, and teaches away from the present invention by teaching processing of the settlement by the wireless purchaser-owned device.

Hence, it is respectfully submitted that independent claims 1, 3, 6, 7, 8, 9, 11, 14, 15, 16 and 21 are not anticipated under 35 U.S.C. §102(a) by Smith et al. (USPN 6,487,540). Since claims 18, 19, and 20 depend from claims 3 and 8 respectively, claims 18, 19 and 20 are submitted not to be anticipated under 35 U.S.C. §102(a) by Smith et al. (USPN 6,487,540) for at least the reasons that claims 3 and 8 are submitted not to be anticipated under 35 U.S.C. §102(a) by Smith et al. (USPN 6,487,540).

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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